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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,346	03/01/2004	Justin Wade Snowden		9056

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THE INVENTORS NETWORK, INC.
332 ACADEMY STREET
CARNEGIE, PA 15106

EXAMINER

BONK, TERESA

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,346

Applicant(s)

SNOWDEN, JUSTIN WADE

Examiner

Teresa M. Bonk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kemnitz et al. (US Patent 4,495,791) in view of Chartier (US Patent 3,030,837). Kemnitz et al. discloses a “dent removing pneumatic puller” (title) having an elongated housing (structural housing 13) having a nose end (front cap 30) and enclosed therein a pneumatic hammer (pneumatic motor means 40), a handle (90/70) attached to the housing; means for interconnecting the housing to a pressurized flow of air (gas connection 55); a threaded member securable to the nose end of the housing and capable of insertion into a hole formed on the surface of the dented part (a hardened tool steel point 21 with threads 22, see Figure 1, and column 5, lines 10-15); and a manually operable trigger on the handle (valve piece 64 of the piston control means 62, column 5, line 5)

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capable of being manually squeezed by a technician and the technician applying a pulling force on the handle thereby actuating the pneumatic hammer to act in the direction opposite of the threaded member so that the dented part can be pulled out to its original position by the threaded member (Column 4, lines 57-68 and Column 5, lines 1-31).

3. Kemnitz et al. discloses the invention substantially except for the threaded member being replaceable, a u-shaped tool including a threaded stud for attachment to the threaded member to be hooked onto the dented part, and a right-angled tool for attachment to the threaded member to be hooked onto the dented part.

4. Chartier discloses a dent-removing tool with the threaded members being replaceable (metal-engaging members, Column 1, lines 41-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture the pneumatic puller of Kemnitz et al. with replaceable threaded members in view of the teachings of Chartier to allow for quick and easy handling for the removal of dents with minimum body effort and to provide a tool that is effective in operation and long wearing in use and “to permit easy replacement of the working parts” (Chartier, column 1, lines 42-43).

5. Chartier also teaches a u-shaped tool including a first threaded stud for attachment to the threaded member to be hooked onto the dented part (Figure 4) and a right-angled tool for attachment to the threaded member to be hooked onto the dented part (Figure 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a u-shaped and a right-angled tool for attachment to the threaded member to make it possible for the operator to access and repair dents in door panels, fenders, etc. that are often enclosed “and

further provide a versatile tool adaptable for use in various types of body work” (Chartier, column 1, lines 43-45).

Response to Arguments

6. Applicant's arguments filed May 12, 2006 have been fully considered but they are not persuasive.

7. With regards to the applicant's statement of patentable subject matter, the applicant is asked to review of the first paragraph of the January 10, 2006 Office Action wherein the examiner withdrew the allowable subject matter from the August 1, 2005 Office Action.

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Chartier reference is combined with the base Kemnitz reference. The Chartier reference teaches that having different replacements members, such as the u-shaped and right-angled tools, “permit(s) easy replacement for the working parts and further to provide a versatile tool adaptable for use in various types of body work” Column 1, lines 41-45.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa M. Bonk whose telephone number is (571) 272-1901. The examiner can normally be reached on M-F 7:30AM - 5PM with alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Teresa M. Bonk
Examiner
Art Unit 3725



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